

JOURNAL

OFFICE OF LEGISLATIVE COUNSEL

Wednesday - 23 April 1975

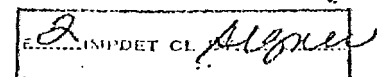
CIA INTERNAL USE ONLY

1. (Unclassified - DFM) Called Ralph Malvik, OMB, to report that the Agency is in full support of GSA's draft bills to amend 5 U.S.C. 5724a(a)(3) and (4) to liberalize conditions under which an employee may be entitled to subsistence expenses while occupying temporary quarters; and liberalizing code provisions which authorize reimbursement for the expenses of sale and purchase of a residence upon the transfer of an employee. No written response is required.

2. (Unclassified - DFM) At Mr. Cary's instruction, called Russ Rourke in the White House regarding H. Res. 400. I inquired whether his office had been requested for comments by the House Committee on International Relations and what the Administration's position was. I told him we had some special problems with this because of the section of our charter which exempted the Agency from the provision of any law requiring disclosure of the names, numbers, or functions of personnel. Rourke was quite sympathetic to our problem but said he believed this resolution was being handled by the office of Phil Buchen, Counsel to the President. He then suggested I call Rod Hills, whom he said had been newly appointed as deputy to Mr. Buchen and who would know what action was being taken. I subsequently called Hills at the number Rourke provided but he was tied up and said he would get back to me this afternoon.

3. (Unclassified - DFM) Called the office of the Senate Committee on Government Operations regarding S. 653, Senator William Proxmire's (D., Wisc.) bill to permit GAO audits of CIA accounts and operations. I was referred to Elizabeth Priest, one of the clerks for the Committee, who said that the bill had not been assigned to a subcommittee and that no agencies had yet been asked for comments. According to Ms. Priest, the Committee has taken no action on the bill whatsoever except to assign staff member Paul Hoff to handle it.

CIA INTERNAL USE ONLY



ROUTING AND RECORD SHEET

SUBJECT: (Optional) Draft Bills Proposed by GSA to Amend
 5 U. S. C., 5724a(a)(3) and (4)

FROM:

Director of Personnel
 5E 58, Headquarters

EXTENSION

NO.

DATE

15 APR 1975

TO: (Officer designation, room number, and building)

DATE

OFFICER'S INITIALS

COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)

RECEIVED

FORWARDED

1. Deputy Director for Administration
 7D 26, Headquarters

4/16/75 OVB

3. Assistant Legislative Counsel
 7D 25, Headquarters

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~~ADMINISTRATIVE~~ INTERNAL USE ONLY

DD/A 75-1790

15 APR 1975

OLC 75-0818

MEMORANDUM FOR: Assistant Legislative Counsel

SUBJECT : Draft Bills Proposed by GSA to Amend 5 U.S.C,
5724 a (a) (3) and (4)

REFERENCE : OLC Transmittal Memo dtd 28 Mar 74 forwarding
Subj Draft Bills

1. Reference forwarded copies of GSA draft bills 5 U.S.C 5724a(a)(3) to liberalize conditions under which an employee may be entitled to subsistence expenses while occupying temporary quarters, and 5 U.S.C. 5724a(a)(4) to liberalize certain provisions which authorize reimbursement for expenses of sale and purchase of a residence on the transfer of an employee.

2. In response to your request, the draft bills have been reviewed. The Office of Personnel endorses the proposals as providing for more equitable treatment of the extra expenses often incurred by personnel as the result of conditions surrounding their transfers to and from overseas assignments.

[Redacted Signature]

F. W. M. Janney
Director of Personnel

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OFFICIAL ROUTING SLIP

| TO | NAME AND ADDRESS | DATE | INITIALS |
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| 2 | 616 Key | | |
| 3 | | | |
| 4 | | 3/21 | JA |
| 5 | | 11 April | |
| 6 | | 11 April | |

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| ACTION | DIRECT REPLY | PREPARE REPLY |
| APPROVAL | DISPATCH | RECOMMENDATION |
| COMMENT | FILE | RETURN |
| CONCURRENCE | INFORMATION | SIGNATURE |

Remarks:

The attached two bills were proposed by GSA and are being circulated within the Executive branch by OMB before submission to the Congress. We must have our views to OMB by April 25th, so would you please let me have your comments on these two bills by April 15th.

Assistant Legislative Counsel

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| OLC 7D35 | 3/28/75 |

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Remarks:

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OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 25, 1975

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

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|----------------|----------|-------|
| State | VA | |
| USIA | Justice | Labor |
| AID | CSC | HEW |
| Defense | CIA ✓ | |
| Agriculture | Commerce | |
| Treasury | HUD | |
| Transportation | Interior | |

Subject: GSA draft bill "To amend 5 U.S.C. 5724a(a)(3) to liberalize conditions under which an employee may be entitled to subsistence expenses while occupying temporary quarters."

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Budget Circular A-19.

(xx) To permit expeditious handling, it is requested that your reply be made within 30 days.

() Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Jim Currie (395-3725) or to Ralph Malvik (395-4702), the legislative analyst in this office.

Naomi R. Sweeney
Naomi R. Sweeney, for
Assistant Director for
Legislative Reference

Enclosures



Honorable Carl Albert
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

There is forwarded herewith a draft bill "To amend 5 U.S.C. 5724a(a)(3) to liberalize conditions under which an employee may be entitled to subsistence expenses while occupying temporary quarters."

This legislative proposal would liberalize entitlement to subsistence expenses while occupying temporary quarters in two ways. First, it would eliminate an inequity in the current law, 5 U.S.C. 5724a(a)(3), by removing the restriction on payment of such subsistence expenses at the old duty station in the continental United States when the employee is transferred to a foreign area. Presently, employees being transferred from a foreign area may be allowed subsistence expenses while occupying temporary quarters at their new duty station in the continental United States. The employee entitlements under 5 U.S.C. 5923 which are implemented in Department of State regulations provide for subsistence expenses while occupying temporary quarters at both the old and new duty stations in a foreign area. Therefore, an employee transferred from an overseas foreign area to the United States, or from the continental United States to an overseas non-foreign area, is entitled to subsistence expenses while occupying temporary quarters at both the old and new duty stations. This draft bill would standardize the basis for authorizing subsistence expenses while occupying temporary quarters by providing entitlement to those expenses while occupying temporary quarters at the old duty station in the continental United States when the transfer is to a foreign area. This would be accomplished by amending 5 U.S.C. 5724a(a)(3) by deleting the words "when the new official station is located" in the first sentence.

Secondly, the draft bill would liberalize conditions under which an employee could be granted an additional 30 days' subsistence expenses while occupying temporary quarters within the continental United States. Such conditions might include situations involving handicapped

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personnel, difficulty in finding adequate housing, or other hardships or extenuating circumstances when so determined by the head of the employee's agency. This would be accomplished by amending 5 U.S.C. 5724a(a)(3) by authorizing an additional 30 days' subsistence expenses while occupying temporary quarters when determined necessary by the agency concerned pursuant to regulations prescribed under this section.

The enclosed draft bill will provide for more equitable treatment for transferred Federal employees and alleviate the inadequacies of the allowances in the instances described.

In accordance with Executive Order 11821 dated November 27, 1974, it is hereby certified that the inflationary impact of this action on the Nation has been carefully evaluated. The additional Federal expenditures required are so minimal that no impact on the Nation is anticipated.

The General Services Administration recommends prompt and favorable consideration of the draft bill. The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Enclosure

A BILL

To amend 5 U.S.C. 5724a(a)(3) to liberalize conditions under which an employee may be entitled to subsistence expenses while occupying temporary quarters.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That 5 U.S.C.

5724a(a)(3) is amended as follows:

- (a) In the first sentence delete the words "when the new official station is located".
- (b) In the second sentence delete the period and add "or when necessary in cases of hardship or other extenuating circumstances as determined by the agency concerned in accordance with regulations prescribed pursuant to this section."

OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

March 25, 1975

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer

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|-------------|----------|----------------|
| Defense | Commerce | Treasury |
| State | HEW | Transportation |
| USIA | HUD | CSC |
| AID | Interior | VA |
| CIA ✓ | Justice | |
| Agriculture | Labor | |

Subject: GSA draft bill "To amend 5 U.S.C. 5724a(a)(4) to liberalize certain provisions which authorize reimbursement for the expenses of the sale and purchase of a residence upon transfer of an employee."

The Office of Management and Budget would appreciate receiving the views of your agency on the above subject before advising on its relationship to the program of the President, in accordance with Budget Circular A-19.

(xx) To permit expeditious handling, it is requested that your reply be made within 30 days.

() Special circumstances require priority treatment and accordingly your views are requested by

Questions should be referred to Jim Currie (395-3725) or to Ralph Malvik (395-4702), the legislative analyst in this office.

Naomi R. Sweeney
Naomi R. Sweeney, for
Assistant Director for
Legislative Reference

Enclosures



Honorable Carl Albert
Speaker of the House of Representatives
Washington, DC 20515

Dear Mr. Speaker:

There is forwarded herewith a draft bill "To amend 5 U.S.C. 5724a(a)(4) to liberalize certain provisions which authorize reimbursement for the expenses of the sale and purchase of a residence upon transfer of an employee."

The enclosed draft bill will provide for equitable treatment for transferred Federal employees by providing more adequate reimbursement to an employee who returns to the United States upon completion of an overseas tour of duty and is reassigned to a duty station other than the duty station from which he was transferred when assigned to the overseas tour of duty.

Currently, 5 U.S.C. 5724a(a)(4) provides authority for reimbursement of expenses for the sale of a residence at the old duty station and purchase of a residence at the new duty station only when both the old and new duty stations are located within the United States, its territories, or possessions, the Commonwealth of Puerto Rico, or the Canal Zone.

There is at present no reimbursement authorized for expenses of sale and purchase of residences when an employee returns to the United States upon completion of an overseas tour of duty and is reassigned to a duty station other than the duty station from which he was transferred when assigned to the overseas tour of duty. The practical effect of such a reassignment is analogous to requiring a relocation of residence within the United States, expenses for which reimbursement presently is authorized.

The draft bill would provide for reimbursement of an employee returning from an overseas assignment to a new duty station by amending 5 U.S.C. 5724a(a)(4) by deleting the period at the end of the first sentence, inserting a semicolon, and adding "and

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expenses of the sale of the residence (or the settlement of an unexpired lease) of the employee at the duty station from which transferred when assigned to an overseas post of duty and purchase of a home at a new duty station when that employee has completed his overseas tour of duty and is reassigned or transferred to a duty station within the United States, its territories or possessions, the commonwealth of Puerto Rico, or the Canal Zone other than the duty station from which he was transferred when assigned to the overseas tour of duty."

In accordance with Executive Order 11821 dated November 27, 1974, it is hereby certified that the inflationary impact of this action on the Nation has been carefully evaluated. The additional Federal expenditures required are so minimal that no substantial impact on the Nation is anticipated.

The General Services Administration recommends prompt and favorable consideration of the draft bill. The Office of Management and Budget has advised that there is no objection to the submission of this legislative proposal to the Congress and that its enactment would be in accord with the program of the President.

Sincerely,

Enclosure

A BILL

To amend 5 U.S.C. 5724a(a)(4) to liberalize certain provisions which authorize reimbursement for the expenses of the sale and purchase of a residence upon transfer of an employee.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That 5 U.S.C.
5724a(a)(4) is hereby amended by deleting the period at the end of
the first sentence and adding a semicolon and the following: "and
expenses of the sale of the residence (or the settlement of an unex-
pired lease) of the employee at the duty station from which transferred
when assigned to an overseas post of duty and purchase of a home
at a new duty station when that employee has completed his overseas
tour of duty and is reassigned or transferred to a duty station within
the United States, its territories or possessions, the Commonwealth of
Puerto Rico, or the Canal Zone other than the duty station from which
he was transferred when assigned to the overseas tour of duty."

Journal - Office of Legislative Counsel
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20. [REDACTED] Called Bob Hull, State Department, in response to his earlier call regarding the Agency's position to the latest proposal by OMB to strike the 1% "kicker" in the cost-of-living adjustment formula for annuitants. I told him our preliminary position was to favor the proposal of the Civil Service Commission with a recommended limitation. He said State had changed their position since he had last talked to me and they now favor the Henderson bill.

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21. [REDACTED] OCI, and I met with Chairman John Stennis, Senate Armed Services Committee, for our weekly briefing. See Memo for Record.

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22. [REDACTED] Accompanied Bob Layton, NIO/SEA, for an updated briefing of Senator Dick Clark on the subject of Vietnam. Richard Moose, Senate Foreign Relations Committee staff, sat in.

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